

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Waylon Russell

Docket No. 7:05-CR-9-1

Petition for Action on Probation

COMES NOW Pamela O. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Waylon Russell, who, upon an earlier plea of guilty to Steal, Purloin and Convert to own use, Records, Vouchers, Money and Things of Value Belonging to Social Security Administration, 18 U.S. C. §641, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on September 6, 2005, to a 60 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 180 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

On January 17, 2006, the court was apprised the probationer had used marijuana. The court modified his conditions to include a two day sanction in jail, the DROPS condition and continued Russell on probation.

On March 28, 2007, the court was apprised Russell had used a controlled substance, failed to pay his fine and had incurred new criminal conduct. Russell was continued on probation and his conditions were modified to include that he not operate a motor vehicle until his license was restored and pay \$1000 towards the balance of his restitution obligation.

On May 15, 2009, the court was apprised the probationer had moved to Florida without approval and had failed to pay his monetary obligation as ordered. It was recommended and the court agreed that no action be taken and the violations be held in abeyance.

On June 16, 2010, the court was apprised the probationer had failed to maintain employment and failed to pay his restitution obligation as ordered by the court. It was recommended by the supervising probation officer in Florida that Russell's conditions be modified to include 60 days in a residential reentry center to serve as a sanction for his non-compliance, as well as assist him with obtaining employment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. Russell is currently serving his 60 day placement at the Keeton Corrections Residential Reentry Center in Jacksonville, Florida. On July 12, 2010, we received a letter from the supervising probation officer requesting that we petition the court to modify the probationer's conditions to include a mental health condition. The probation officer further stated Mr. Russell had informed him he was having a lot of problems with controlling his anger and thought he might suffer from a bi-polar disorder. We are agreeable to the supervising probation officer's request to modify the probationer's conditions.

The offender signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. You shall participate in a mental health treatment program (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of the Court's directive. Further, you shall contribute to the costs of these services not to exceed an amount determined to be reasonable by the probation office's sliding scale for mental health treatment services.

Waylon Russell
Docket No. 7:05-CR-9-1
Petition For Action
Page 3

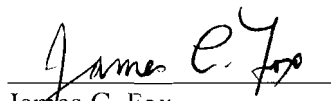
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton
Pamela O. Thornton
Senior U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: (910) 815-4857
Executed On: July 28, 2010

ORDER OF COURT

Considered and ordered this 28th day of July, 2010, and ordered filed and made a part of the records in the above case.



James C. Fox
Senior U.S. District Judge